

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

**JULY 29, 1999**

**IN RE:**

**PETITION OF TELEPHONE COMPANY OF CENTRAL  
FLORIDA FOR ARBITRATION OF RESALE  
AGREEMENT WITH BELL SOUTH  
TELECOMMUNICATIONS, INC. PURSUANT TO THE  
TELECOMMUNICATIONS ACT OF 1996**

**DOCKET NO. 98-00583**

## ORDER GRANTING WITHDRAWAL OF PETITION FOR ARBITRATION

This matter came before the Tennessee Regulatory Authority (“Authority”) at a regularly scheduled Authority Conference held on February 16, 1999, upon the petition of Telephone Company of Central Florida (“TCCF”) for arbitration with BellSouth Telecommunications, Inc. (“BST”) pursuant to the Federal Telecommunications Act of 1996.

On August 20, 1998, TCCF petitioned the Authority for resolution of two items under dispute in the renegotiation of their resale agreement with BST. TCCF stated that the two disputed items were: 1) costs proposed to be charged to Reseller for development and ongoing use of Operational Support Systems (OSS); and 2) parity of service. In response, BST agreed that the parties have been unable to settle on language regarding the costs of the development and use of OSS and denied that parity of service is an issue appropriate for arbitration under § 252 of the Act. Further, BST asserted that TCCF's allegations regarding parity of service constituted performance issues nor did TCCF's allegations state claims of BST imposing unreasonable or discriminatory conditions or limitations on the resale of BST's telecommunications services in violation of the Act.

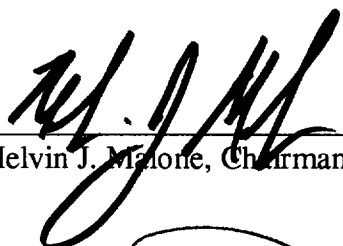
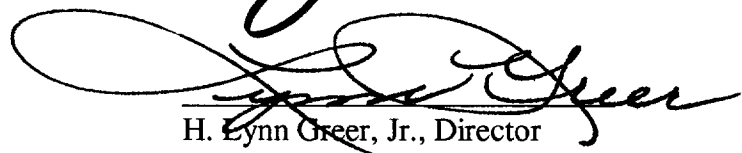
At the December 1, 1998 Directors' Conference, the Authority directed the parties to submit briefs in this matter and directed TCCF to specifically define the issues that they requested the

Authority to arbitrate by December 22, 1998. Both parties complied with the aforementioned directives of the Authority.

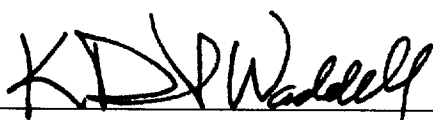
At the regularly scheduled Authority Conference on February 16, 1999, counsel for TCCF requested that its Petition for Arbitration be withdrawn "to overcome the jurisdictional problem with the early filing of the arbitration."<sup>1</sup> The Directors unanimously accepted this request.

**IT IS THEREFORE ORDERED:**

1. That TCCF's request to withdraw its Petition for Arbitration is approved;
2. That any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order; and
3. That any party aggrieved by the Authority's decision in this matter has the right to judicial review by filing a Petition For Review with the Tennessee Court of Appeals within sixty (60) days from and after the date of this Order.

  
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Melvin J. Malone, Chairman  
\_\_\_\_\_  
H. Lynn Greer, Jr., Director  
\_\_\_\_\_  
Sara Kyle, Director

ATTEST:

  
\_\_\_\_\_  
K. David Waddell, Executive Secretary

<sup>1</sup>Transcript of Director's Conference, February 16, 1999, p.43. At this conference, counsel for TCCF stated that the parties had agreed to re-file on April 1, 1999 and provide a joint notice to cure the statutory deadlines relative to the negotiation period.